

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUSTIN DANIEL AUTREY,

Plaintiff,

v.

DR. ESCANDON and DR. C KENNEDY,

Defendants.

2:15-cv-00302-SAB

**AMENDED ORDER ADOPTING
REPORT AND
RECOMMENDATION,
DISMISSING COMPLAINT
WITHOUT PREJUDICE AND
DIRECTING THAT
COLLECTION OF THE FILING
FEE CEASE**

This Order shall amend the Order entered on March 28, 2016, ECF No. 18, as follows:

By Report and Recommendation filed March 14, 2016, Magistrate Judge Rodgers recommended that this action be dismissed without prejudice pursuant to Plaintiff's motion to voluntarily dismiss under Fed. R. Civ. P. 41(a). Defendants have not been served.

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ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE -- 1

There being no objections, **IT IS ORDERED** that:

1. The Report and Recommendation, ECF No. 16, is **ADOPTED in its entirety. IT IS FURTHER ORDERED** Plaintiff's Motion, ECF No. 15, is **GRANTED** and this action is dismissed without prejudice.

2. For good cause shown, **IT IS ALSO ORDERED** that Plaintiff's Motion to Waive Collection of the Filing Fee, ECF No. 14, is **GRANTED** and the institution having custody of Mr. Autrey shall cease collection of the filing fee in this action, cause number **2:15-cv-00302-SAB**, formerly **2:15-cv-00302-JTR**.

9 3. The Court notes the Order granting Plaintiff's Application to Proceed *in*
10 *forma pauperis* and Directing Institution to Calculate, Collect, and Forward
11 Payment, ECF No. 8, was sent to the Spokane County Jail. Plaintiff is presently in
12 the custody of the Washington State Department of Corrections.

13 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
14 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff,
15 and close the file. The District Court Executive is further directed to send a copy
16 of this Order to the Office of the **Department of Corrections, Attn: LFO/COS**
17 **UNIT, P.O. Box 41107, Olympia, WA 98504-1107**, to forward to the appropriate
18 agency having custody of Plaintiff. The District Court Executive also **shall**
19 provide a copy of this Order to the Financial Administrator for the United States
20 District Court, Eastern District of Washington.

DATED this 29th day of March, 2016.



Stanley A. Sestan

Stanley A. Bastian
United States District Judge